

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

Alfred Howard Agnew and Renadeane Thomas
Agnew,

Debtors.

Case No. 03-01333-W

**NOTICE AND APPLICATION FOR
SALE OF PROPERTY FREE AND
CLEAR OF LIENS, AND OF
OPPORTUNITY FOR HEARING**

Chapter 7

YOU ARE NOTIFIED that the trustee is applying for approval to sell the property of the debtor's estate below described free and clear of liens and encumbrances according to the terms and conditions stated below. A copy of the proposed Order accompanies this Notice.

TAKE FURTHER NOTICE that any response, return and/or objection to this Notice and Application should be filed with the Clerk of the Bankruptcy Court no later than twenty (20) days from service of the Notice and Application, and a copy simultaneously served on the Chapter 7 Trustee and the U.S. Trustee.

TAKE FURTHER NOTICE that no hearing will be held on this Notice and Application for Sale unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on **November 2, 2004, at 9:00 a.m.**, at the J. Bratton Davis United States Bankruptcy Courthouse, 1100 Laurel Street, Columbia, SC 29201. No further notice of this hearing will be given.

TYPE OF SALE:

Private Sale

PROPERTY TO BE SOLD:

Approx. 150 acres of real estate in Marion County, S.C. Tract One is approx. 110 acres of TMS #45-00-00-07 on the north side of N.W. Front Street. Tract Two is approx. 40 acres of TMS #56-00-00-31 (the sale excludes 250' frontage on north side of U.S. 76 and a portion of land south of U.S. 76).

This land, among other real property, is co-owned by the debtor, Alfred Howard Agnew, and Lorraine Williams-Garrett. The Trustee brought an action (Adv. No. 04-80005-W) to sell property free and clear of co-owner's interest pursuant to 11 U.S.C. §363(h), and has submitted a consent order in said adversary proceeding, seeking authority to sell said land and equally divide the net proceeds after the payment of the Pee Dee Federal mortgage, the real estate broker, survey, and closing costs, not including the Trustee's commission. Said order provides that Lorraine Williams-Garrett shall have the right of first refusal.

PRICE:

\$1,200.00 per acre. Total acreage to be determined by survey

APPRAISAL VALUE:

\$3,000.00 per acre, by Rueben Butler; appraisal of 4/28/00.

NAME OF BUYER: Elizabeth Drew

PLACE / TIME OF SALE: Upon receipt of order for sale

SALES AGENT: Jackson L. Cobb, employed 11/17/03

COMPENSATION TO 10% of sales price (to be determined based on acreage)

LIENS/MORTGAGES: Pee Dee Federal Savings Bank holds a mortgage of approx. \$60,000 on this and other property. \$30,000 will be paid to release this parcel.

ESTIMATED TRUSTEE'S COMPENSATION ON SALE: to be determined

DEBTOR'S EXEMPTION: None

PROCEEDS ESTIMATED TO BE PAID TO ESTATE: to be determined

Applicant is informed and believes that it would be in the best interest of the estate to sell said property by private sale. Applicant also believes that the funds to be recovered for the estate from the sale of said property justify its sale and the filing of this application.

The court may consider additional offers at any hearing held on this notice and application for sale. The court may order at any hearing that the property be sold to another party on equivalent or more favorable terms.

The trustee may seek appropriate sanctions or other similar relief against any party filing a spurious objection to this notice and application.

WHEREFORE, applicant requests the court issue an order authorizing the sale of said property, and for such other and further relief as may be proper.

September 22, 2004

/s/H. Flynn Griffin, III
H. Flynn Griffin, III, Attorney for Trustee
District Court ID #2466
P.O. Box 76, Columbia, SC 29202-0076
(803) 252-8600

Address of Court:
J. Bratton Davis United States
Bankruptcy Courthouse
P.O. Box 1448, 1100 Laurel Street
Columbia, SC 29202

Address of U.S. Trustee:
United States Trustee
1835 Assembly Street
Suite 953
Columbia, SC 29201

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CERTIFICATE OF SERVICE

Chapter 7

The undersigned, Elke Watkins, hereby states that she mailed the within Notice and Application for Sale Free and Clear of Liens and Opportunity for Hearing and the proposed Order Authorizing Sale of Assets to the parties as shown in the attachment hereto, by depositing same in the Post Office, postage prepaid, at Columbia, South Carolina, where there is regular communication by mail, and that same was mailed postage prepaid on September 22, 2004.

/s/Elke Watkins

Elke Watkins, Legal Assistant
Anderson & Associates, P.A.
P.O. Box 76
Columbia, SC 29202

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C/O PLAZA ASSOCIATES
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B FIRST LLC
2101 FOURTH AVE STE 900
SEATTLE WA 98121

BANK ONE DELAWARE
PO BOX 517
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CITY OF MULLINS TAX COLLECTOR
E FRONT STREET
MULLINS SC 29574

COLLINS FINANCIAL SVC INC
PO BOX 740933
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500 Enterprise Road
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GMAC MORTGAGE CORPORATION
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STE.150
HORSHAM PA 19044

GMAC MORTGAGE CORPORATION
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Columbia, SC 29202-2066

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1441 Main Street
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Columbia, SC 29202

HERITAGE BANK OF THE SOUTH
PO BOX 50728
ALBANY GA 31703-0728

HORRY COUNTY TREASURER
PO BOX 1237
CONWAY SC 29528

INTERNAL REVENUE SERVICE
MDP 39
1835 ASSEMBLY STREET ROOM 653
COLUMBIA SC 29201

R. Geoffrey Levy
2300 Wayne Street
Columbia, SC 29201

MARION COUNTY TAX COLLECTOR
PO BOX 389
MARION SC 29571-0992

MIDLAND MORTGAGE
PO BOX 26648
OKLAHOMA CITY OK 73126-0648

Elizabeth H. McCullough
PO Box 1799
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NAVY FEDERAL CREDIT UNION
PO BOX 3100
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PO Box 350
Mullins SC 29574

PEE DEE FEDERAL SAVINGS BANK
SUZANNE GRAHAM GRIGG ESQUIRE
PO DRAWER 2426
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RECEIVABLES MANAGEMENT SERVICE
992 S ROBERT STREET
WEST ST PAUL MN 55118

RESURGENT CAPITAL SERVICES
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PO BOX 125
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SC EMPLOYMENT SECURITY COMM
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US Trustee
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